

OCT. 4. 2005 1:34PM

GOWLINGS CANADA INC

NO. 1903 P. 1

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To Examiner: WANG, Quan-Zhen  
Group Art Unit: 2633

Firm United States Patent and Trademark Office City/Country Alexandria, VA

Fax 1-571-273-8300 Telephone 1-571-272-3114

Date Tuesday October 4, 2005

Re Nortel Networks Limited  
United States Patent Application No. 09/972,989 Filed October 10, 2001  
Optical Wavelength Plan For Metropolitan Photonic Network  
Our Reference : 08890943US

Total Pages Sent (including cover memorandum) 3

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## Message

RESPONSIVE TO THE COMMUNICATION DATED SEPTEMBER 7, 2005, PLEASE FIND ENCLOSED OUR RESPONSE TO IT OF TODAY'S DATE.

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The Honorable Commissioner of Patents  
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Page 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Patent Application of: GRAVES, Alan F.; WATKINS, John H.; HOBBS, Chris**

Serial No. : 09/972,989                      Group Art Unit: 2633  
Filed : October 10, 2001                      Examiner : Wang, Quan Zhen  
For : Optical Wavelength Plan For Metropolitan Photonic Network  
Date : October 4, 2005                      Docket No. : 08890943US

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The Honorable Commissioner of Patents and Trademarks,  
WASHINGTON, D.C.  
UNITED STATES OF AMERICA 20231

**Response to Office Action**

Sir:

In response to the Office Action dated September 7, 2005 under 35 U.S.C 121, Applicant elects Group I (Claims 1-18) with traverse.

Applicant notes that 37 U.S.R. 1.475 (b) states:

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

[...]

(4) A process and an apparatus or means specifically designed for carrying out the said process;

[...]

The Examiner's stated in the Office Action that a point-to-point optical network does not include any optical switch devices.

Applicant respectfully disagrees. Applicant notes that a terminal of a point-to-point network may have an "grooming" function such as the edge node in Figure 1, and thus having the need for an optical switch.

Withdrawal of the Examiner's objection under U.S.C 121 is respectfully requested.

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The Honorable Commissioner of Patents  
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Respectfully Submitted,



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